

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 22, 2005

D045940 People v. Duran

The judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D046186 In re Karen L., a Juvenile

The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., McIntyre, J.

D046389 People v. Sumlin

Upon filing an abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D045415 In re Austin D., a Juvenile

The order is affirmed. O'Rourke, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

D046747 Hayes v. La Jolla Canyon Gardens, LLC

Pursuant to California Rules of Court, rule 8, the appeal filed July 5, 2005, is dismissed for appellant's failure to timely designate the record.

D045266 Kolender et al. v. San Diego County Civil Service Commission/Salenko

The judgment is affirmed. Real party in interest and respondent Edward Salenko is awarded costs on appeal. O'Rourke, J.; We Concur: McConnell, P.J., Haller, J.

D045268 Kolender v. San Diego County Civil Service Commission/Berry

The judgment denying the petition for a writ of mandate is reversed. The trial court is directed to enter a new and different order granting the writ as prayed. Each party is to bear its own costs on appeal. O'Rourke, J.; We Concur: McConnell, P.J., Haller, J.

D046781 Heidi S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Heidi S. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

D046820 Ruth M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Ruth M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

D046725 Joseph G. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Joseph G. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 22, 2005 (Continued)

**D046727 Teresa M. et al. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

The attorney for petitioner Teresa M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case as to Teresa M. is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 23, 2005

D046033 In re Daniel W. et al., Juveniles

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., McDonald, J.

D046972 In re Gary G., a Juvenile

The matter has been review by Justices Haller, McIntyre and Irion. The notice of appeal is untimely. The case is dismissed.

D043414 Power Partners International, Inc. v. Dominion Energy et al.

The judgment in favor of Dominion is reversed, and the order granting a new trial is vacated. The court is directed to reinstate the October 2, 2003 judgment in favor of Power Partners. Power Partners is entitled to costs on appeal. McDonald, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D044599 Golden Eagle Insurance Company v. Jones et al.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

D046819 Yvette A. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Yvette A. and the attorney for petitioner Eduardo D. have notified the court on behalf of the petitioners that Petitions for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

D046864 In re Smith on Habeas Corpus

The petition is denied.

D046863 In re Hooker on Habeas Corpus

The petition is denied.

D046878 In re Strong on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 24, 2005

D046032 In re Adoption of Amy A., a Minor

The judgment is affirmed. Certified for Publication. Irion, J.; We Concur: McConnell, P.J., Aaron, J.

D046865 In re Thomas on Habeas Corpus

The petition is denied.

D044264 Morrow et al. v. Prewitt/Gerardis

The superior court's judgment and its order awarding attorney fees is affirmed. Respondents are awarded their costs on appeal. Irion, J.; We Concur: McConnell, P.J., Haller, J.

D044289 People v. Sanchez

The murder convictions and the sentence are reversed. The matter is remanded for resentencing and retrial on the issues the jury did not resolve. If within 30 days after the remittitur issues from this Court, the people have not filed and served an election to retry the unresolved matters, the trial court shall resentence Sanchez on the conviction of driving with a willful or wanton disregard for the safety of persons or property while fleeing from a pursuing police officer. If the People file an election to retry the unresolved issues, the trial court shall resentence Sanchez after his retrial. Irion, J.; We Concur: Haller, Acting P.J., McIntire, J.

D045633 People v. Schindler

The judgment is affirmed. Irion, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

D045965 People v. Kiper

The judgment is affirmed. Irion, J.; We Concur: McIntyre, Acting P.J., O'Rourke, J.

D045839 In re Brianna H., a Juvenile

The judgment is affirmed. Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D046842 In re Van Nguyen on Habeas Corpus

The petition is denied.

D046631 In re Benda on Habeas Corpus

The petition is denied.

D045209 People v. Corral

The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., Aaron, J.

D044471 Majorossy-Lott et al. v. Allstate Insurance Company

The request for publication is denied.

D043477 People v. Harbour

The judgment is affirmed. McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

D044386 Cantor v. Nichols Institute Diagnostics, Inc.

The judgment is reversed and the matter remanded with directions as set forth in this opinion. The parties shall bear their own costs on appeal. O'Rourke, J.; We Concur: McIntyre, Acting P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 24, 2005 (Continued)

D045562 **People v. Brouillette**

The appeal is dismissed pursuant to California Rules of Court, rule 33(c)(5) and 17.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 25, 2005

D044773 **In re Marriage of Bracknell**

The order is affirmed. Irion, J.; We Concur: McIntyre, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 26, 2005

D046975 Vasquez v. State of California

Respondent's motion to dismiss the appeal, opposition and reply have been read and considered by Presiding Justice McConnell and Associate Justices McIntyre and Irion. The appeal is dismissed.

D045342 In re S.W., a Juvenile

The petition for rehearing is denied. This court lacks jurisdiction to rule on the request for depublication.

D045126 People v. Acosta

The judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Irion, J.

D046765 Carpenter v. County of San Diego et al.

D046285 Carpenter v. County of San Diego et al.

The stipulation for consolidation and for extension of time for filing briefs is accepted. All documents will be filed under D046285. The San Diego County Superior Court is ordered to file a supplemental transcript per designation within 15 days from the date of this order. Appellants' opening brief is due within 60 days from the filing of the supplemental record.

D043892 People v. Flowers

The sentence is modified to impose the midterm for counts 4, 6, and 7, and one-third of the count 4 enhancement, with the execution of those terms stayed pursuant to section 654; to vacate the enhancement terms imposed for counts 3 and 5, and to impose one-third of the enhancement terms for those counts; and to strike the prison prior enhancement. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the modifications and send a certified copy thereof to the Department of Corrections. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

D045824 In re Dakota H., a Juvenile

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

D043440 People v. Smith

The abstract of judgment is ordered amended to state that the term on count 3 is stayed pending completion of appellant's term on counts 1 and 2. In all other respects the judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Aaron, J.

D046872 In re Hamilton on Habeas Corpus

The petition is denied.

D046291 In re Westly on Habeas Corpus

The petition is denied.

D046912 In re Johnson on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 26, 2005

D044664 Hanks v. Leach et al.

The judgment is affirmed. Defendants are entitled to costs on appeal. McDonald, J.; We Concur: McConnell, P.J., Aaron, J.

D047013 In re Strong on Habeas Corpus

The petition is denied.

D044759 Campbell v. Airtouch Cellular et al.

Upon written request filed by appellants William Munro and Johnny Smith, the appeal is dismissed as to William Munro and Johnny Smith ONLY and the remittitur is ordered to issue immediately as to William Munro and Johnny Smith ONLY (Cal. Rules of Court, rule 20(c)(2)).